



## SERIOUS RULES VIOLATION REPORT

INMATE NUMBER	INMATE NAME	VIOLATION NUMBER	DATE	INSTITUTION	EX-NO.
046881	LARSEN	CCR §3230 (d)	01-09-13	CSP-LAC	C13-01-0165

EXALATION/POLY PROSECUTION IS LIAISON OF THIS INCIDENT  YES  NO

## POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed.	DATE REQUESTED	DATE APPROVED	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of	DATE REQUESTED	DATE APPROVED	DATE
§3230 (d) DISCIPLINARY HEARING	DISPOSITION	DISPOSITION	DATE
<input type="checkbox"/> (REVOKE) my request for postponement	DATE REQUESTED	DATE APPROVED	DATE

## STAFF ASSISTANT

STAFF ASSISTANT	INVESTIGATIVE EMPLOYEE	DATE
<input type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE	DATE
<input checked="" type="checkbox"/> ASSIGNED	DATE 2/14/13	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON <input checked="" type="checkbox"/> All	DATE 1/16/13

## INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE	DATE
<input type="checkbox"/> ASSIGNED	DATE 2/12/13	NAME OF INVESTIGATIVE EMPLOYEE
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON No Mo per CCR 236 (d) (1)	DATE

## EVACUATION REQUEST BY INMATE

## WITNESSES

WITNESSES REQUESTED AT HEARING IF NOT PRESENT, APPROVAL OR DENIAL					
<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> None	<input checked="" type="checkbox"/> None	
WITNESSES NAME AND TITLE APPROVED	GRANTED	WITNESSES NAME AND TITLE APPROVED	GRANTED	WITNESSES NAME AND TITLE APPROVED	GRANTED
<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None
<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None
<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None

## THE OFFICER SIGNING THIS COPY TO THE INMATE HAS COMPLETE THIS SECTION

Assistance Provided To Inmate Effective Communication

<input type="checkbox"/> Use of Text Message	<input type="checkbox"/> Read Document by 100%	<input type="checkbox"/> No Reading
<input type="checkbox"/> Interpreter Available	<input type="checkbox"/> Sign Language Interpreter	<input type="checkbox"/> Interpreter Not Available
<input checked="" type="checkbox"/> Interpreter Required	<input type="checkbox"/> Written Hearing for Hearing Impaired	<input type="checkbox"/> NA Required
<input type="checkbox"/> None	<input type="checkbox"/> None	<input type="checkbox"/> None

Assisted Hand To Hand Communication With Officer

<input checked="" type="checkbox"/> Officer present during entire interview	<input type="checkbox"/> Officer present during entire interview
<input checked="" type="checkbox"/> Officer present during entire interview to question about	<input type="checkbox"/> Officer present during entire interview to question about
<input type="checkbox"/> None	<input type="checkbox"/> None

SIGNATURE OF EMPLOYEE WHO COMPLETED THIS SECTION

PRINTED NAME OF EMPLOYEE

DATE SIGNED

<input checked="" type="checkbox"/> I AM THE INVESTIGATIVE EMPLOYEE	INVESTIGATIVE EMPLOYEE	DATE
<input type="checkbox"/> I AM THE STAFF ASSISTANT	STAFF ASSISTANT	DATE

I AM THE CDO (1) IF A GIVEN INMATE

- If additional space is required use supplemental

CCR 1154 (7)(B)

STATE OF CALIFORNIA  
RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PAGE 1 OF 3

C NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
D-46881	LARSEN	C13-01-0105	CSP-LAC	2/23/2013

SUPPLEMENTAL  CONTINUATION OF  CIRCUMSTANCES  HEARING  IN REPORT  OTHER

PLEA: Not Guilty

FINDING: Guilty

**HEARING CONVENED:** On 2/23/2013 at approximately 1040 hours, Inmate LARSEN made a personal appearance before Correctional Lieutenant M. Nunez, Senior Security Officer (S-SO), for the purpose of adjudicating the Rules Violation Report. LARSEN stated he was in good health and ready to proceed with this hearing.

**DOCUMENT ISSUANCE:** LARSEN acknowledged that he had received copies of the following documents at least twenty-four (24) hours prior to this hearing:

FORM NO.	DESCRIPTION	DATE ISSUED
CCR-115	Rules Violation Report	2/4/2013
CCR-115A	Sanction Rules Violation Report	2/4/2013
CCR-115	Summary of Disciplinary Procedures (Back Page)	2/4/2013
CCR-115A	Summary of Disciplinary Procedures and Inmate Rights (Back Page)	2/4/2013

These reports were reviewed with LARSEN in the hearing. LARSEN is charged with Refusal To Provide Urine/urine Test, a Division F, Offense. LARSEN was advised that the charged offense is a violation of CCR §3220, Methods for Testing of Controlled Substances or for Use of Alcohol. CCR §3220(d) states "Inmates must provide a urine sample when ordered to do so pursuant to these regulations, for the purpose of testing for the presence of controlled substances or the use of alcohol." LARSEN acknowledged understanding the charge and the evidence being presented.

**DISTRICT ATTORNEY:** This matter has not been referred for criminal prosecution.

**TIME CONSTRAINTS:** LARSEN received a copy of the CCR-115 within 10 days of discovery of the charged offense (CCR §3220(a)). This hearing is being held within 30 days from the date LARSEN received a copy of the CCR-115 (CCR 3220(b)). There has been no time constraint violation that would preclude assessment of clear forfeiture for a guilty finding.

**CONFIDENTIAL INFORMATION:** There was no confidential information to be considered.

**PHOTOGRAPH/VIDEOTAPE EVIDENCE:** There were no photographs or videotapes presented as evidence at this hearing.

**MENTAL HEALTH INFORMATION:** LARSEN is identified as a participant in the Mental Health Services Delivery System (MHSDS) at the Correctional Clinical Case Management System (CCCMS) level of care. However, his observed behavior at the time of the rules violation was not reported to have been bizarre, unusual, or uncharacteristic. Therefore, a Mental Health Assessment was not required.

**EFFECTIVE COMMUNICATION:** Effective communication means providing the inmate, to the extent possible, the means to understand and participate in the disciplinary process to the best of their ability. If the inmate's Test of Adult Basic Education (TABE) score is 4.0 or lower, employees are required to query the inmate to determine whether or not assistance is needed to achieve effective communication. LARSEN has a documented TABE score of 10.8. Further, LARSEN does not demonstrate the need for any type of auxiliary communication aids, sign language interpreter or bilingual interpreter. LARSEN demonstrated to the SHO his ability to read and his acquired his understanding of the charges against him to the satisfaction of the SHO. The SHO is satisfied that LARSEN has no disabilities or issues that require the use of Equally Effective Communication Tools and that effective communication was achieved with LARSEN throughout the disciplinary process.

**STAFF ASSISTANT:** A Staff Assistant (SA) was not assigned because LARSEN does not meet the assignment criteria per CCR 3211(c)(2). LARSEN appears to be literate, understands English, does not require a confidential relationship, and can

<input type="checkbox"/> COPY OF CCR-115-C GIVEN TO INMATE	SIGNATURE OF witness: M. Nunez, Correctional Lieutenant (SHO) GIVEN BY: Staff's signature: 	DATE SIGNED: 3/1/13	TIME SIGNED: 11:00 AM
--	---	------------------------	--------------------------

INMATE NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
D-46981	LARSEN	C13-01-0106	CSP-LAC	2/28/2013

supplemental  continuation  due to circumstances  witness  report  other

present his own defense without assistance. LARSEN has no mental health factors that require the assignment of a Staff Assistant.

**INVESTIGATIVE EMPLOYEE:** An Investigative Employee (IE) was not assigned. The Classification Officer evaluated the need for an IE and determined one would not be required. The issues are not complex. LARSEN can complete his own investigation and available information is sufficient. LARSEN does not meet the assignment criteria per CCR 3315(c)(1).

**PLEA AND STATEMENT:** LARSEN entered a plea of Not Guilty and stated, "I became diabetic and was on medication. I also am a vegetarian, but I didn't want to be a vegetarian anymore due to the carbs. I was talking to the cook to explain my situation when I was approached by Officer Phan and ordered to take a UA."

**WITNESSES:** LARSEN was advised of his right to request witnesses. LARSEN did not request the presence of witnesses at the hearing; however, the SHO elected to call witnesses in order to elicit information necessary to the finding of fact, per CCR 3315(e)(3). The SHO called inmate LARSEN (D-46981) and the following testimony was provided. Q. If you had nothing to hide or fear, why didn't you submit to the urinalysis? A. Because I wanted a Sergeant or someone else there to observe this. Q. Did you curse at Correctional Officer Phan by saying, "Fuck your fucking drug test Phan"? A. I can't really say if I said that or not.

**FINDING:** Guilty of the Division 'F' Offense REFUSING TO PROVIDE A URINE SPECIMEN FOR THE PURPOSE OF TESTING FOR THE PRESENCE OF CONTROLLED SUBSTANCE(S) OR ALCOHOL (§3323(h)(6)). Per CCR 3230 (c), an inmate may be ordered to provide a urine sample for controlled substances under the following circumstances: (1) There is reasonable cause to believe the inmate has possessed, distributed, used or is under the influence of a controlled substance; (2) mandatory testing is a condition of the inmate's participation in a specific program, assignment or activity; (3) mandatory testing is ordered as part of a disciplinary disposition; or, (4) the inmate has been selected for random drug testing. Per CCR 3230, controlled substance means any substance drug, narcotic, opiate, hallucinogen, depressant, or stimulant as defined by HSS 11107. This hearing is based upon a preponderance of the following evidence.

- 1) The Reporting Employee's Report (CDC-115) authored by Correctional Officer T. Phan, which states in part, "On Wednesday, January 30, 2013, at approximately 1830 hours, while performing my duties in the North side dining hall during the evening meal I observed inmate LARSEN (D-46981) CDCS-1401 talking with the Correctional Supervising Cook regarding his Religious Diet card. I notice that inmate LARSEN's speech was extremely slurred and that he was having difficulty articulating his words. Upon closer observation I noticed that inmate LARSEN's eye pupils were dilated. I immediately informed Correctional sergeant F. Villalobos of my observations regarding inmate LARSEN. Sergeant Villalobos directed me to order inmate LARSEN to submit to a urinalysis test. I subsequently located inmate LARSEN in Housing Unit CS and ordered him to submit to a urinalysis test. Inmate LARSEN refused to submit to a urinalysis test, stating, "Fuck your fucking drug test Phan." I again ordered inmate LARSEN to submit to a urinalysis test and he refused."
- 2) Testimony of Inmate LARSEN (D-46981) at the hearing, stating that he wanted a sergeant to be present and didn't deny cursing at Correctional Officer T. Phan.

**SHO COMMENTS:** This SHO elects to find inmate LARSEN guilty of the charge based upon the preponderance of the evidence presented at the hearing, specifically, the Reporting Employee's written report detailing the circumstances surrounding the infraction in addition to inmate LARSEN's responses to the questions posed to him.

**DISPOSITION:** In accordance with CCR 3315(f), the following penalties have been assessed:

- Assessed 30 days Forfeiture of Credit consistent with the schedule provided in CCR §3323 for a Division 'F' Offense

SIGNATURE OF WRITER		DATE SIGNED
M. Nunes, Classification/Assignment (SHO)		2/28/13
GIVEN BY (Staff's Signature)		DATE SIGNED
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE		TIME SIGNED
		7/14/13 1:52P

INMATE NUMBER D-46981	INMATE'S NAME LARSEN	LOG NUMBER C13-01-0105	INSTITUTION CSP-LAC	TODAY'S DATE 2/28/2013
--------------------------	-------------------------	---------------------------	------------------------	---------------------------

SUPPLEMENTAL  CONTINUATION OF  USE IN CIRCUMSTANCES  PERTAINING TO  A REPORT  OTHER

- Assessed 30 days loss of Yard privileges commencing the date of this hearing through 03-28-2013
- Assessed 30 days loss of Dayroom privileges commencing the date of this hearing through 03-29-2013
- Assessed 30 days Loss of all Vendor Package privileges commencing the date of this hearing through 03-28-2013
- Assessed One-Year Mandatory Random Drug Testing. LARSEN must provide a minimum of one random drug test per month for one year from the date of this hearing through 03-28-2014 (CCR 53331(f)(4)). LARSEN was advised that refusal to submit to a random test or any positive test result during the mandatory random drug testing period shall result in the issuance of a CDC Form 115 and a new mandatory drug testing order (CCR 53331(f)(4)(D)).
- Assessed Mandatory Substance Abuse Education Attendance. LARSEN shall be required to attend Alcoholics Anonymous or Narcotic Anonymous or be assigned to a substance abuse education program to the extent such programs are available in the institution/facility.
- Counseled regarding future behavioral expectations and reprimanded

ENEMY CONCERN: No enemy concern was reported from this incident.

**APPEAL RIGHTS:** LARSEN was advised of the finding in this matter. LARSEN was also advised that he would receive a copy of this completed report upon final review by the CCG. LARSEN was advised that he may appeal any portion of the hearing finding, of disposition and that to do so, he must attach the final copy of the CCG-115 to his inmate appeal form. LARSEN is referred to CCR 3084.1 for further information.

**CREDIT RESTORATION:** LARSEN was advised that per CCR 3333.3(a)(4)(B), no credit shall be restored when the inmate was guilty of Refusing To Provide A Urine Specimen For The Purpose Of Testing For The Possession Of Controlled Substance(s) Or Alcohol per CCR 3333(c). LARSEN is referred to CCR Sections 3337 & 3338 for further information.

LARSEN was advised that the results of the hearing would not become final until reviewed and approved by the chief disciplinary officer (CDO) and that after review he would receive the final copy of the completed CDO report.

SIGNATURE OF WRITER		DATE SIGNED
M. Nunez Corrections Lieutenant (SMCI)		2/2/15
GIVEN BY: Staff's Signature		DATE SIGNED
		2/2/15
COPY OF CDC 111-C GIVEN TO INMATE		TIME SIGNED
		10:00

NAME and NUMBER

LARSEN

D-46981

FCB5-140L

Thursday, February 28, 2013, this Senior Hearing Officer (SHO) convened a hearing, in regards to rules violation report, Log #C13-01-0105, Inmate LARSEN (FCB5-140L, D-46981) was found Guilty, and as a part of the disposition was assessed '30' days Loss of Privileges, to be served from Thursday, February 28, 2013 through 03-29-2013. In addition Inmate LARSEN was assed loss of all visits for 90 days followed by non-contact visits for a period of 90 days. Only the following privileges as are identified below, have been suspended or modified.

- Loss of Dayroom.
- Loss of Telephone Privileges (Verified Emergencies only).
- Loss of Quarterly Packages/Special Purchase Orders for the aforementioned period.

Inmate LARSEN is aware of this report.

ORIG : Central-File

cc : Inmate  
Writer  
CCI  
CCH  
Housing Unit

*Ortiz*  
M. Nunez  
Correctional Lieutenant Sho  
Facility "C", CSP-Los Angeles County

DATE: 2/28/2013

LOSS OF PRIVILEGES

GENERAL CHRONO

TYPED BY: c203.Sr

RECEIVED  
FILER COUNTY  
CLERK'S OFFICE  
2013 MAR 19 AM 9:02

NAME and NUMBER

LARSEN

D-46981

FCB5-140 L

February 28, 2013, Inmate LARSEN appeared before this Senior Hearing Officer for the adjudication of CDC-Log Number C13-01-0105, a violation of CCR §3290(d), Refusal To Provide Urinalysis Test. Inmate LARSEN was found **Guilty** of the Division 'F' Offense and was assessed:

- One-Year Mandatory Random Drug Testing, Per CCR 3315(f)(4). Inmate LARSEN must provide a minimum of one random drug test per month for one year, from the date of this hearing through February 28, 2014. Inmate LARSEN was advised that per CCR 3315(f)(4)(D), refusal to submit to a random test or any positive test result during the mandatory random drug testing period shall result in the issuance of a CDC Form 115 and a new mandatory drug testing order.
- Mandatory Substance Abuse Education Attendance, Per CCR 3315(f)(5)(J). Inmate LARSEN shall be required to attend Alcoholics Anonymous or Narcotic Anonymous or be assigned to a substance abuse education program to the extent such programs are available in the institution/facility.

ORIG : C-File  
cc : Chief Disciplinary Officer  
Register of Institution Violations  
Inmate

  
M. Nunez  
Correctional Lieutenant (SHO)  
Facility C, CSP-Los Angeles County

February MANDATORY RANDOM DRUG TESTING/SUBSTANCE  
DATE: 28, 2013 ABUSE EDUCATION GENERAL CHRONO

TYPED BY: c203.Sr

REF ID: A6524

2013 MAR 19 AM 9:00